

VZCZCXRO3649
RR RUEHROV
DE RUEHAM #1465/01 1350631
ZNY CCCCC ZZH
R 140631Z MAY 08
FM AMEMBASSY AMMAN
TO RUEHLMC/MILLENNIUM CHALLENGE CORP
RUEHC/SECSTATE WASHDC 2584
INFO RUEHXK/ARAB ISRAELI COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 05 AMMAN 001465

SIPDIS

E.O. 12958: DECL: 03/03/2018

TAGS: PGOV KDEM JO

SUBJECT: REVISED LAW ON ASSOCIATIONS TO BE CONSIDERED BY JORDAN'S PARLIAMENT

REF: A. HUMAN RIGHTS WATCH - "SHUTTING OUT THE CRITICS"
(2007)
¶B. AMMAN 255

AMMAN 00001465 001.2 OF 005

Classified By: Ambassador David Hale
for reasons 1.4 (b) and (d)

¶1. (C) Summary: Jordan's parliament will likely consider the new draft of an associations law during a June extraordinary session. The previous draft, widely criticized as too restrictive, was withdrawn by the PM in January. As currently written, the new law consolidates responsibility for regulation of civil society in the Ministry of Social Development, creates an oversight commission, legitimizes foreign funding, and may offer tax breaks. It will also expand the ability of the government to intervene in the internal governance of NGOs, however. The Interior Ministry is lobbying for a more restrictive law, and civil society is hoping for one that will clarify red lines and cut out the influence of security services. Building trust between the two sides will be difficult. Minister of Social Development Hala Lattouf is working to build the coalitions necessary for the law's passage in parliament, but she will need strong backing from the PM. End Summary.

A New Associations Law

¶2. (C) A new version of the associations law may be presented to the parliament during an extraordinary session which is expected to be convened by the King in June. This session, which will likely last for around a month, will be crammed with legislation which the parliament failed to attend to in its previous sitting. Contacts tell us that legislators and government departments are lobbying to get their priorities on the agenda, lest they fall off of the radar screen until the parliament's next regular session in October. After the very public demise of the previous draft law on associations, the new version is one law that is competing for a spot at the top of the agenda. Prime Minister Nader Dahabi told the Ambassador May 10 that the associations law is on his agenda for the session and he expected it to be addressed.

¶3. (C) Currently, the law is being re-formulated within the Legislative and Opinion Bureau of the Prime Ministry - the body which is constitutionally mandated with writing all of Jordan's laws. Mohammed Alawneh, the head of the bureau (and himself a former Justice Minister), told us that the new law, received in draft form from the Ministry of Social Development, is now in the initial stages of the process. It is currently before a lower-level group of officials from various ministries, which will offer him a consensus draft in the near future. After Alawneh gives this draft the once-over, it will be posted on the bureau's website for public comment. Alawneh showed poloff the two inch thick

file of comments the bureau received from the public on the previous draft of the law - 380 comments in total. He expects that the amended version will receive even more comments, which bureau staff will have to sift through and incorporate, if necessary.

¶4. (C) MP Mahmoud Kharabsheh, a member of the committee in the parliament that will likely be tasked with considering the legislation, told Poloff that he has not seen a copy of it yet, and has no indications from the leadership of parliament that its introduction is imminent. Due to procedural delays, Kharabsheh believes that two other much-discussed laws on transportation and social security may take precedence in parliament's deliberations despite the government's wishes. Unless the parliament receives the law from the Legislative Bureau soon, Kharabsheh believes that it may be pushed into the October session.

Stepping Forward

¶5. (C) Sa'ed Karajah, the consultant hired to work with the Ministry of Social Development to lead the drafting of the new law, outlined the current directions the draft is taking from his consultations with the Ministry. Note: The funding for his efforts is provided by USAID, but this aspect is being kept quiet due to sensitivities on all sides. Even Karajah himself seems to be unaware of the USAID connection. A lawyer, Karajah was involved in the drafting of several previous iterations of the law on associations on behalf of NGOs in Jordan. End Note. He believes that it is an incremental step forward, and one that is ultimately more realistic in terms of passage and implementation. While the law is still under negotiation within the government, Karajah says that "its spirit is very advanced" - a reflection of

AMMAN 00001465 002.2 OF 005

Jordan's current reformist government.

¶6. (C) The primary change from current practice will be the consolidation of responsibility for civil society within the Ministry of Social Development. At present, NGOs in Jordan are regulated by the ministries whose expertise roughly corresponds with their main topic of interest. This situation creates confusion and inequities between NGOs of different types, which end up being subject to widely different regimes of regulation and oversight by the various ministries. The new law would create a more predictable and level playing field for all organizations within civil society by consolidating the oversight function into one ministry. Significantly, that ministry is not the Ministry of Interior, which is much feared and distrusted within Jordanian civil society due to its links with the security services. According to Karajah, the transfer of oversight to the Ministry of Social Development is actually a return to the regime of the 1960s and 1970s, and therefore has a precedent that should make it a slightly easier sell within the government.

¶7. (C) According to Minister of Social Development Hala Lattouf, Islamic foundations (Awqaf) will not be overseen by her department. Since the infrastructure to support the specialized needs of the foundations already exists in the Ministry of Awqaf, it was decided to keep that category of associations separate in the draft law.

¶8. (C) The current iteration of the draft law envisions a commission which will be responsible for regulation and oversight of civil society in Jordan. The commission will organize a national registry of civil society organizations - a provision that Lattouf sees as one that "might not go through" due to its political sensitivity. Karajah says that while the commission is currently envisioned as an independent body, it will likely end up within the Ministry of Social Development. Members of the commission will be a mix of officials from various ministries, along with

outsiders who will likely be appointed by the King or the Minister of Social Development from the ranks of civil society, business, or the cadre of former ministers.

¶19. (C) Also under negotiation is an extension of tax breaks or tax-exempt status for civil society organizations. While certain kinds of NGOs are exempt from sales tax in Jordan, they are subject to other taxes. Karajah sees the lowering or elimination of these taxes as a carrot that the government will use to reward NGOs that are true to their goals and produce tangible benefits for Jordan's economy and society. The details are still hazy on this point; how performance would be measured and how benefits would be delivered are still under discussion.

¶10. (C) One of the more criticized points of the law which was withdrawn was a provision that would have allowed the government to remove and replace board members under certain circumstances. According to Lattouf, that provision has survived the re-drafting process and was even expanded to allow the government more leeway and time to intervene. Lattouf described the provision as "necessary" to save failing NGOs or those involved in corruption, but played down the potential for use of the clause as a means to interfere in politically active organizations.

¶11. (C) Foreign funding for Jordanian NGOs is a critical and controversial issue in the new law. As it currently stands, the law will allow Jordanian civil society to accept foreign funds, but only if those funds are publicly declared. Minister of Social Development Hala Lattouf says, "the problem is that NGOs in Jordan have accepted foreign funding under the table." The new law will legitimize foreign funding in exchange for transparency, a move that civil society has resisted in the past.

The Government's Red Lines

¶12. (C) Jordan's security services and the Ministry of Interior are seen by many post contacts as the key roadblocks to reform in the area of civil society regulation. In a recent interview with London-based newspaper Al-Quds Al-Arabi, Interior Minister Eid Al-Fayez summed up his view on the issue of stability versus openness, which is key to the debate over the new associations law: "Authority in our country is a reflection of the structure of society. The authority consists of citizens and human beings, and hence there are mistakes and arbitrariness can happen in implementing laws and regulations. I do not deny this. As for security, it is a basic value that might take priority over many requirements and needs. Security in Jordan is an

AMMAN 00001465 003.2 OF 005

issue that enjoys unanimity and priority."

¶13. (C) Nasser Ramadin, the designated foreign liaison at the Ministry of Interior, told Poloffs that the ministry was all too aware of the tradeoffs between stability and respect for civil liberties in the process of drafting new laws on associations and public gatherings. Acknowledging that these laws are primary instruments of the ministry's ability to manage dissent in Jordan, Ramadin said, "this law is very important for us." He added that behind the scenes, the ministry is advocating for more restrictive provisions - statutes that would retain many of the tools that the ministry uses to keep tabs on and influence over civil society.

¶14. (C) Ramadin outlined some of the key red lines that the ministry sees in the negotiations over the new law. He stressed that the most important portion of the law on associations that the ministry is seeking to retain is the ability to examine the financial assets of civil society organizations. Ramadin told us that the new law must contain provisions for an audit bureau that would be able to trace

domestic and international transactions, primarily in order to combat "foreign influence" in Jordan's NGOs and religious organizations. "The soul of the associations law is that organizations not be involved in political activity," Ramadin asserted. "Without an audit bureau, who can monitor the money?" He criticized a recent report by Human Rights Watch (ref A) which faulted Jordan for its restrictions on the financial independence of NGOs. Ramadin complained that Human Rights Watch failed to understand the need for stability that drives Jordan's tight regimen of control over civil society activity.

¶15. (C) Minister of Social Development Hala Lattouf told us that the Ministry of Interior has been surprisingly supportive in her efforts to draft a compromise law. Even so, she is clearly intent on cutting them out of the game of regulating civil society as much as possible. "We don't see the Ministry of Interior as having a role," she noted. The problem Lattouf faces, she says, is that there are no models within the Arab world which balance civil liberties and government control in a way that Jordan sees desirable. Per Lattouf, in the absence of a clear template, the Ministry of Interior is defaulting to the system that it has relied upon for decades. Changing that mentality may ultimately be the most difficult part of the law's journey through the system.

Civil Society's Perspective

¶16. (C) Civil society leaders are hoping for a legal regime that will empower them rather than create new limits on their activities, but many of our contacts are not optimistic. Fawzi Samhouri, a political activist who focuses on Palestinian issues, says that, "first the mentality has to change, then the law can change." Shaher Bak, the outgoing chair of the National Center for Human Rights, said that he expects a "more liberal" regime for civil society organizations to emerge from the associations law, but realizes from past efforts that it will face an uphill battle in the parliament.

¶17. (C) Hani Hourani, head of the Al-Urdun Al-Jadid Research Center, a prominent think tank, is skeptical that this attempt at reform will move Jordan towards a system that empowers rather than restricts civil society. He cites multiple previous attempts by NGOs in Jordan to offer alternatives to the outdated legislation that was in force - all of which were essentially ignored by successive governments. "There is no more need for discussion. It's time to reform this reactionary law which is embarrassing for Jordan," Hourani insists. He has been involved in some of the discussions between the government and civil society about the scope of the law, and credits Minister of Social Development Hala Lattouf with doing so - even if her power is limited by her status as a relative newcomer to the political scene.

¶18. (C) Yet in the same breath, Hourani says that the government is already well aware of what civil society needs and wants. He is hoping for a law that will make registration easier and cheaper. He wants the security services to be cut out of the registration process, or barring that, to at least have an official point of contact so as to avoid misunderstandings. He wants more streamlined paperwork (or no paperwork at all) for approval of foreign funding; the current regime has made him essentially unable to negotiate with some international partners who distribute money on short timelines.

AMMAN 00001465 004.2 OF 005

Building Trust

¶19. (C) Karajah believes that both the government and civil society will have to work on lowering their mutual antagonism

if agreement is to be reached on the framework for regulating associations. "The relationship between civil society and the government is filled with intimidation and doubt," Karajah asserts. That mutual suspicion is the result of years of separation and absence of dialogue. Karajah believes that only through the creation of relationships will the government and civil society learn to respect and trust each other enough to relax the regulatory regime.

¶20. (C) On the government side, Karajah has seen through his work that association is not seen as a fundamental right by regulating authorities in Jordan. "You can't believe how absent this concept is from their minds," he notes. Rather, governmental bodies see the ability to form associations as a gift that only they can bestow - a game in which they must set the rules. Karajah highlighted the fact that "in accordance with the law" is often added to declarations of fundamental rights in Jordan. To his mind, this phrase acts as a thinly veiled code for "the government can restrict or annul these rights at any time in the future." Looking back at the legislative history of the law on associations, Mohammed Alawneh of the legislative bureau admitted that "times have changed" from the initial regulation of civil society back in the 1970s, and that there were "many mistakes" in implementing the previous law.

¶21. (C) On the NGO side, far from being the paragons of virtue that they claim to be, Karajah calls civil society organizations in Jordan "corrupt." In his interactions with government officials, he has heard many tales of misappropriated funds, personal fiefdoms gone astray, and dubious foreign connections. While civil society leaders may try to minimize these examples, Karajah believes that until the internal accountability of civil society organizations in Jordan is dealt with, building trust with the government will be extremely difficult. "We have to respect the government's experiences in these bad situations," he says. "Everyone in civil society wants changes in the law, but nobody wants to pay the price."

¶22. (C) For his part, Hani Hourani agrees that "the average of transparency, democracy, and accountability in Jordanian civil society is not good." Yet he believes that the government is using scattered cases of mismanagement and applying them unfairly to the entire sector. Hourani is interested in a law that will "improve partnership and trust" between the government and civil society, but recognizes that both sides have a long way to go.

How Fast?

¶23. (C) Civil society's primary dilemma in dealing with the new law will surround the risks it is willing to take on behalf of change. Karajah sums up the primary question: "Do we go for our best shot first? Do we try to get everything we want at once?" For his part, Karajah believes that now is not the right time for a far-reaching overhaul. From his interactions with government officials, Karajah believes that changing the mentality of control through building relationships and demonstrating responsible action must come before Jordan's bureaucracy will trust civil society to exercise its rights responsibly.

¶24. (C) Karajah believes that civil society will have to make the argument that it is in the Jordanian government's interest to provide a clear framework for civil society to carry out its duties. Karajah says that in a way, the leaders of Jordanian civil society must invite regulators to help them clean house - expelling the corrupt, ineffective, and irresponsible actors and retaining the healthy organizations that will benefit society. Only in this environment of positive control will the government and bureaucracy be willing to loosen its grip.

¶25. (C) From the civil society perspective, Hani Hourani is waiting to see what the government will do before deciding whether or not to muster his political weight against the new

law. He is realistic about the basic inability of Jordanian civil society to influence legislation, and expects that a public row over the content of the law could damage Jordan's image and any small amount of trust that civil society has earned. Yet Hourani also believes that Jordan's government will eventually come around to the realization that civil society has a necessary and productive role to play - one that is not always adversarial. In this transitional period,

AMMAN 00001465 005.2 OF 005

he says, he is merely looking for an indication that progress is being made.

Building Coalitions

¶26. (C) Karajah credits Minister of Social Development Hala Lattouf with leadership in building a coalition that will ensure broad acceptance of the new associations law in both government and civil society. She has been holding meetings with various stakeholders that are designed both to elicit feedback on the expected content of the law and to build support for its passage and implementation. Lattouf has met with a wide variety of government officials, including lower-level bureaucrats who will eventually implement the law. She has invited civil society leaders to roundtables to discuss their expectations surrounding the law. An interesting (and innovative) strategic decision is that Lattouf has also been meeting with former ministers - the backbone of Jordan's cynical chattering classes whose snickering from the sidelines has reportedly sunk previous efforts. Karajah calls this real activism: "She's not playing political games. She's looking for the best law for the country. If there is a good law with no advocacy, you lose. What she's doing is closer to the King's vision."

¶27. (C) In the past, parliament has been the key roadblock in reform efforts pitting the security apparatus against civil society. Karajah and his interlocutors (including Lattouf) know that this is the case, but believe that the current constellation of reformists in government and parliament will be able to push the law through where others may have failed. Karajah foresees the message to parliament as "decent liberty for civil society, decent control for the government" - a compromise that will appeal to Amman liberals and rural conservatives alike. He sees the young, business-oriented reformists in the parliament as the bill's natural allies, and suspects that the Minister of Social Development will use them to convince tribal conservatives (including speaker Abdulhadi Al-Majali) that it is the most workable option.

¶28. (C) MP Mahmoud Kharabsheh believes that his fellow parliamentarians will look to the government for cues on how to vote on the new associations law. If Lattouf and others can convince PM Dahabi to actively support the new law rather than watching its progress from the sidelines, Kharabsheh believes that it will pass. "This parliament will do whatever the government wants," he says. "They don't have independent opinions on these issues." Lattouf is confident that PM Dahabi is solidly behind the new law, and will actively organize support for it in parliament. The fact that it is being given priority within the crammed extraordinary session is a sign of his support for the measure, in her view.

HALE